



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Barbera-Guillem Examiner : D. Blanchard
Application No. : 09/835,759 Group Art : 1642
Filing Date : April 16, 2001 Confirm. No. : 5302
Title : VACCINE AND IMMUNOTHERAPY FOR SOLID
NONLYMPHOID TUMOR AND RELATED IMMUNE
DYSREGULATION
Docket No. : 26983-98

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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RESPONSE TO THIRD RESTRICTION REQUIREMENT

Dear Examiner:

The one-month period for replying to this Office Action expired on December 3, 2003.

Accordingly, Applicant submits herewith a petition for a two-month extension of time under 37 CFR § 1.136 (a) to extend the response time to February 3, 2004. Accordingly, this Response is timely filed.

REMARKS

In response to the third Restriction Requirement dated November 3, 2003 where the Office required election after identifying nearly 200 inventions, Applicant provisionally elects, with traverse, as follows:

The invention identified by the Office as Group I (Claims 1-13) in the third Restriction Requirement dated November 3, 2003;

From Species A, the species identified by the Office as "d" (CD-22) in the third Restriction Requirement dated November 3, 2003; and

From Species B, the species identified by the Office as "h" (Monoclonal Antibodies) in the third Restriction Requirement dated November 3, 2003.

Applicant respectfully traverses the Restriction Requirement and requests reconsideration of this requirement in light of the remarks presented below. In order to be fully responsive, Applicant has elected, with traverse, Group I and the species "CD22" and "monoclonal antibodies," included specifically or generically in all pending claims.

The basis of the restriction requirement is that the claims are drawn to various products and methods of use. MPEP § 803, in relevant part, states that : "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

Applicant respectfully submits that the Examiner will not be seriously burdened in his search in considering the species described in the restricted claims. Therefore, to conserve the time of both the Office and the Applicant herein, it is respectfully requested that the Examiner withdraw the Restriction Requirement.

With the above election and accompanying traversal of the Restriction Requirement, the Application is believed to be in condition for examination and allowance on the merits.

The Commissioner is authorized to charge any additional fees or credit any overpayments to Deposit Account No. 02-2051, referencing Attorney Docket number 26983-98.

Respectfully submitted,

Dated: 2/3/04

By: _____



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